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WP No.28267 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-03-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.28267 of 2017

Real Estate Kolumatthai Pathikkapatta
Muthalettalar Nala Sangam, Represented by
its Secretary Mr.R.Dhakshinamoorthy,
No.72/1, SRB Nagar,
7th Street, Kollathur,
Chennai-600 099.

... Petitioner

Vs.

- 1.The Secretary,
Home (Police XIX) Department,
Fort St. George,
Chennai-600 009.
- 2.Deputy Superintendent of Police,
EOW-II, Anna Nagar,
Chennai-102.
- 3.The Collector,
Office of the Chennai Collectorate,
Chennai District,
Singaravelan Maligai,
No.62, Rajaji Salai,
Chennai-600 001.



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4.Competent Authority/District Revenue Officer,
Office of the Chennai Collectorate,
Chennai District,
Singaravelan Maligai,
No.62, Rajaji Salai,
Chennai-600 001.

5.M/s.JBJ City Developers Ltd.,
No.44/8, CO Block,
7th Street, Anna Nagar,
Chennai-102.

6.M/s. JBJ Builder and Promoters,
No.44/8, CO Block,
7th Street, Anna Nagar,
Chennai-102.

7.M/s.JBJ Tours and Travel,
No.44/8, CO Block,
7th Street, Anna Nagar,
Chennai-102.

8.M/s.JBJ Hotel and Resorts,
No.44/8, CO Block,
7th Street, Anna Nagar,
Chennai-102.

9.M/s.JBJ Chits Private Limited,
No.44/8, CO Block,
7th Street, Anna Nagar,
Chennai-102.

10.M/s.JBJ Foundation,
No.44/8, CO Block,
7th Street, Anna Nagar,
Chennai-102.



11.M/s.Abode Lee Hedges Impex Private Limited,
Old No.33, New No.4,
Ac Block, Anna Nagar,
Chennai-40.

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12.Mr.Justin Devadoss @ David

13.Mrs.Bella Justin

14.V.Arokiyasamy

15.Joseph Dinesh

16.Thambu Rajan Sagayam

17.Samual Knudson

18.G.Sivakumar

19.R.Natarajan

20.Mercy Stellabai Andrill

21.Prakash Balakrishnan

22.A.Anna Jebaraj

23.F.Fedrick Duraisamy

24.Mr.A.Vijayakumar

25.Premila Jacob

26.Mrs.Priscilla Rajan

27.Amminy Danial



28.T.J.Godwin Joseph

29.Bright Gnana Singh

30.J.Watson

[R-5 to R-30 impleaded vide order of
Court dated 18.11.2022 made in
WPMP N0.30249 of 2022 in
WP No.28267 of 2017]

31.The Secretary to The Home Department,
Secretariat, Fort St. George,
Chennai.

[R-31 suo motu impleaded vide order of
Court dated 25.11.2022 made in
WP No.28267 of 2017]

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the fourth respondent to conduct enquiry and file a detailed valuation report of the properties attached in G.O.Ms.No.530 dated 13.07.2012 issued by the Home (Police XIX) Department before the Hon'ble Special Court, TNPID Act, 1997, Chennai and consequently direct the fourth respondent to comply with the order dated 10.01.2014 passed in OA No.9 of 2013 by the Hon'ble Special Court, TNPID Act, 1997, Chennai.

For Petitioner : Mr.R.Subbu Raj

For Respondents-1 to 4
and 31 : Mr.T.Arunkumar,
Additional Government Pleader.



ORDER

The Writ of Mandamus has been filed to direct the first respondent to attach the immovable properties given in the Schedule to the present writ petition in compliance with the provisions of Section 3 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997.

2. The petitioner is a Real Estate Kolumatthai Pathikkapatta Muthalettalar Nala Sangam

3. The grievance of the writ petitioner-Sangam is that their members have invested their hard earned money with the Financial Establishments and the said deposits were not repaid and actions were initiated. However, the Members of the petitioner-Sangam are unable to get back their money for a long time.

4. The learned counsel for the petitioner-Sangam states that the Government has not taken effective steps to attach the property under Section 3 of the Tamil Nadu Protection of Interests of Depositors (in



Financial Establishments) Act, 1997. Thus the petitioner-Sangam is constrained to move the present writ petition.

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5. The Status Report filed by the Competent Authorities/ District Revenue Officer reveals that several actions were already taken to realise the money and some of the properties were already sold through public action. Consistent actions are initiated in order to repay the money to the depositors.

6. The relief sought for in the present writ petition is to attach the properties under Section 3 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997. If at all some more properties are to be attached in respect of the Financial Establishments, the petitioner-Sangam has to provide all such information to the Competent Authorities and to the Special Court concerned for the purpose of redressal of their grievances.

7. Under the provisions of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997, both the



Competent Authorities and the Special Court have powers to deal with the properties. Thus the petitioner-Sangam is at liberty to approach the proper Forum for the purpose of redressal of their grievances.

8. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

30-03-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Secretary,
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Chennai-600 009.
2. Deputy Superintendent of Police,
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Chennai-102.
3. The Collector,
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4. Competent Authority/District Revenue Officer,
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